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Attorneys for Individual and Representative Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

J. DOE 1, et al.,

Individual and
Representative Plaintiffs,

v.

GITHUB, INC., et al.,

Defendants.

Case No. 4:22-cv-6823-JST
Consolidated with Case No. 4:22-cv-7074-JST

**STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING BRIEFING
SCHEDULE FOR JOINT LETTER
BRIEF RE: TELEMETRY DATA**

Courtroom: 6
Judge: Hon. Jon S. Tigar
Trial Date: None Set

AND CONSOLIDATED ACTION

Pursuant to Northern District of California Local Rule 7-12, the parties in the above-captioned action hereby stipulate and agree as follows.

WHEREAS, on September 15, 2023, the parties participated in a Further Case Management Conference with the Court;

WHEREAS, during the Conference, the parties and the Court discussed a September 29, 2023 deadline for a joint discovery letter brief regarding the issue of preserving telemetry data;

WHEREAS, the Court's September 17, 2023 minute order setting various deadlines did not include a deadline for the joint discovery letter brief (ECF No. 155);

WHEREAS, on September 19, 2023, Plaintiffs' counsel served a meet and confer letter on GitHub's counsel regarding the telemetry data issue;

WHEREAS, on September 27, 2023 GitHub's counsel served Plaintiffs' counsel with a letter response and GitHub documents relating to telemetry data;

WHEREAS, the Parties are continuing to meet and confer and more time is needed to fully do so;

WHEREAS, Plaintiffs' counsel and GitHub's counsel have agreed to a one week extension of the discussed deadline to bring a joint discovery letter brief regarding the preservation of telemetry data, if needed, to allow for further conferral on the issue;

WHEREAS, this stipulation will not alter the date of any event or deadline already fixed by Court order;

WHEREAS, Defendants do not waive, and expressly reserve, all available defenses;

NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree, subject to the approval of the Court, that the deadline to file a joint discovery letter brief regarding the preservation of telemetry data is October 6, 2023.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/3/2023


HONORABLE JON S. TIGAR
United States District Judge

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2 Dated: September 29, 2023

Orrick, Herrington & Sutcliffe LLP

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4 By: /s/ Annette L. Hurst
ANNETTE L. HURST
5 Attorneys for GitHub, Inc. and
6 Microsoft Corporation

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8 Dated: September 29, 2023

JOSEPH SAVERI LAW FIRM, LLP

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10 By: /s/ Joseph R. Saveri
JOSEPH R. SAVERI
11 Attorneys for Individual and
12 Representative Plaintiffs and
13 the Proposed Class
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L.R. 5-1 SIGNATURE ATTESTATION

As the ECF user whose user ID and password are utilized in the filing of this document, I attest under penalty of perjury that concurrence in the filing of the document has been obtained from each of the other signatories.

Dated: September 29, 2023

/s/ Annette L. Hurst

Annette L. Hurst